

February 4, 2004

**Summary of Public Comments and Responses to MDA
“Determination of Host Plant Nuisance and Proposed Eradication Measures for
Emerald Ash Borer”**

As noted earlier, we have closely reviewed the comment provided both orally and in writing, summarized them by concerns and issues, and present them for your consideration. We have categorized the comments under the following headings:

- Support
- Support with suggestions and/or concerns
- Opposed
- Comments that do not indicate whether the person is supportive or opposed, but perhaps just has questions.

The summary of comments and brief responses are provided below:

1. Declaration of Emerald Ash Borer, ash trees and any article or plant found to contain emerald ash borer to be a nuisance.

No comments were received opposing the declaration of these articles as a nuisance.

2. Declaration of Proposed Eradication Measures.

Summary of comments and responses:

Support

18 persons provided comments supporting the eradication strategy.

Support with suggestions and/or concerns

23 persons provided comments in this area.

Summary of suggestions and/or concerns and brief responses:

- Concerns about state's ability to eradicate the EAB
Response: The EAB response strategy is a multi-year program that includes the basic elements of detection, containment, eradication and restoration. Ash host tree removal at isolated outlier sites where EAB has been confirmed is a first step in the containment process. While difficult to obtain, eradication of EAB in these sites makes sense in preventing further spread, as researchers develop long-term control mechanisms. Implementation of the integrated response strategies is cost effective when compared to the greater expense that would be incurred by public and private property owners should the beetle continue to spread to areas that are uninfested.

- Concerns about the impact on nursery industry
Response: MDA and cooperating agencies recognize the negative impact this pest has caused to the nursery industry as well as to other industries, local units of government and private property owners. In order to prevent additional negative economic and environmental impacts within the state, it is necessary to support declaring EAB and all ash host material a nuisance, and to progress towards eradicating EAB from the state. While the state quarantine has impacted the nursery industry, MDA continues to work in cooperation with the nursery industry to inventory residual ash resources to provide support for those nurseries that may be eligible for relief available through the National Farm Bill.
- Need to compensate nursery producers impacted by the quarantine
Response: In addition to nursery producers, MDA recognizes there have been financial losses to a number of parties due to EAB. However, current funding is not available to compensate all of the impacted parties for such losses.
- Need for zero interest/fixed rate loans for nursery producers
Response: Low interest loans are available to eligible nursery producers impacted by the federal EAB quarantine. MDA will continue to explore and support potential financial relief options available to those suffering financial losses due to EAB.
- Using Michigan nurseries as the source for replacement trees for the restoration program
Response: USDA-FS and MDNR, with input from the nursery industry, are developing a restoration plan that will include tree canopy replacement using a variety of different trees, purchased from a number of different Michigan nurseries. Michigan nurseries will have the opportunity to participate in the restoration program.
- Include green industry and local units of government in advisory capacity
Response: MDA continues to meet with representatives of the green industry, counties, cities and townships to solicit input on EAB pest management strategies, implementation of an internal quarantine, outreach activities and restoration efforts. Green industry representatives participate on the Communication and Restoration committees within the EAB response program.
- Need to review quarantine limits and impact on the nursery industry
Response: Michigan's internal quarantine was established to prevent the artificial spread of EAB. In order to minimize the impact to all industries, the first available survey data supported a quarantine of only six counties in Southeast Michigan. However, continuing survey activities in 2003 indicated an additional buffer layer and an ash tree sale and movement ban was needed to further prevent pest spread in seven additional counties, and in August of 2003 the quarantine was amended. MDA will continue to review quarantine needs based on the distribution of the beetle and EAB program objectives.

- Support for use of insecticides for control of this pest
Response: MDA supports the use of insecticides to control EAB in the pest management zones as they are developed and able to meet the objectives of the program. Insecticides may prove to be a valuable tool to suppress pest populations in the core and control EAB during adult emergence. However, current research shows that most insecticides at best are only about 65-85% effective in controlling EAB. Researchers continue to develop those strategies. Meanwhile, the most effective and efficient control method in areas of localized infestation remains removal of host material.
- Support for use of an integrated approach (including biological, mechanical, and chemical options) to control this pest
Response: MDA is committed to using every effective and efficient method available to eradicate EAB. A number of research activities are being conducted at this time to identify control options. Control options must meet economic, logistical, and environmental criteria to be considered for wide-area application. As these options are developed by research and approved for use by USDA, they will be incorporated into the EAB eradication program.
- Lack of infestation data and corresponding maps on EAB-related websites
Response: Although some of this information is not currently found on websites, survey data has been made available at every public meeting, discussed and handed out at a number of association and community meetings and provided to all upon request. Plans are underway to provide this information via the Internet.
- Lack of public information on eradication efforts and plans
Response: Information and outreach is an integral component of the state's EAB response plan. It is an ongoing effort on the part of all of the EAB Task Force partners. A tremendous amount of information about emerald ash borer exists on all partner agency websites, and in the coming months more programmatic information will be added as it becomes available. In addition, there have been public meetings, numerous direct mailings, extensive media interviews conducted, news releases, public service announcements, brochures and other educational and information materials printed and distributed, and a communications committee has been established that is constantly reviewing efforts to date to enhance outreach, education and communication.
- Concerns about "public takings" and statutory authority
Response: Section 18 and 20 of Act 189, PA of 1931 as amended provides the director with the authority to declare pests and host plants a nuisance and to order their removal. This hearing is a component of that process, providing the public an opportunity to comment on the proposed eradication strategy.
- Need to coordinate our eradication activities with Canada
Response: This coordination with Canada has been in place since the start of the eradication program. Canadian representatives are a part of the U.S. EAB

Management Board, and the National Science Panel. Likewise, U.S. scientists and program specialists serve on similar committees and boards in Canada. Communication between the two programs is very active and the strategies are very similar. Canada has removed outlying infestations and is currently removing materials from a firebreak area. Mr. Ken Merchant, a Canadian official, testified in support of Michigan's eradication efforts.

- Need to improve survey methods
Response: Improvement to survey methods and mechanisms is ongoing. There is a recognition that survey efforts need to be expanded to include systematic statewide surveys and monitoring of high-risk sites. Methods development activities are one of the first priorities of the EAB eradication program.
- Need to be more active in suppressing EAB populations in the core area
Response: MDA and the EAB Task Force encourage suppression of pest populations in the core area through removal and disposal of infested trees and treatment of salvageable trees in landscapes where appropriate. The current funding mechanism does not provide for tree removal in the core area; however, efforts are underway to identify resources to at least remove trees from public right of ways and locations that might impact public safety. Additionally, the project does fund disposal yards that provide homeowners, communities and commercial arborists a no-cost way to eliminate dead and dying ash materials resulting in suppression of beetle populations.
- Need to allocate funds for tree removal in the core area (public and private property)
Response: The current funding mechanism restricts the use of resources to pest eradication only. However, MDA, in cooperation with the Governor's Office, the Michigan State Police Emergency Management Division, and SEMCOG are researching opportunities to seek and utilize Emergency Management Funds to address public safety concerns associated with EAB.
- Need more funding for research
Response: Funding for research has been, and continues to be, a significant need. The Task Force has worked to identify funding sources to meet the needs of the research community. Current funding requests do include provisions to address the most critical research activities.
- Need more funding for restorations
Response: Currently restoration is funded through the USDA Forest Service. There is a need to provide for more resources for canopy cover replacement both in the core area and at tree removal sites in outlying areas. USDA-APHIS and the Forest Service have recognized this need and are jointly seeking additional funds for this activity, which typically occurs in cooperation between U.S. Forest Service, the Michigan Department of Natural Resources, and local units of government.

- Need for eradication and control in the core
Response: MDA and USDA have recognized the need to suppress EAB populations in the core area. Currently five disposal yards exist in the core area to eliminate dead and dying ash materials and reduce pest populations. Because of the size and scope of the generally infested area, as well as current funding restrictions, treatment or removal of infested trees is not a feasible or possible option. However, the EAB Task Force encourages property owners in the generally infested areas to reduce pest populations through tree removal or pesticide treatment of landscape trees that are salvageable where appropriate or economically feasible.
- Preventative measures to ensure that introduction of invasive species does not occur in the future
Response: USDA, in cooperation with state plant health officials, are actively involved in safeguarding efforts to restrict the importation and distribution of exotic pests. These efforts include pre-clearance certification of commodities in foreign countries, pest exclusion at borders, aggressively monitoring for pests of economic risk, and initiating rapid response to address early infestations. Unfortunately, despite best efforts, some destructive pests such as EAB do enter the U.S. and states. EAB probably entered the country via solid wood packing material. This avenue was mitigated prior to the discovery of this infestation by federal changes in packing material standards.
- Consideration of a ¼ mile of ash removal in areas localized infestations rather than ½ mile removals
Response: Research information to date confirms the ability of EAB to lay eggs out to a distance of ½ mile from the emergence location of the female beetle. Therefore by only going out a ¼ mile, EAB infestations are likely to remain in the area and negate the effectiveness of the eradication efforts. The Science Panel supports the ½ mile distance for removal of ash trees as appropriate.
- Infested trees were planted October 29, 2003 at the Shields, Michigan site and therefore the pest could not spread to a distance of ½ mile.
Response: The EAB infested ash trees in question were planted in the summer of 2002, and were present during adult emergence of the beetle, thereby allowing the deposition of eggs on nearby ash trees. In the fall of 2003, the original infested trees were removed and replaced.
- Concerns about the state's need to remove so many trees, rather than just controlling the Emerald Ash Borer itself
Response: At the present time, tree removal offers the highest level of control of the beetle, thereby protecting the millions of ash trees in the state that could otherwise become infested with the continued spread of the insect. Comparatively speaking, the numbers of trees scheduled for removal are small with respect to the protection of the species at large. The removal of all ash within a ½ mile of the last emergence is consistent with the latest science

recommendation. There is no known reliable method to determine only those trees harboring the pest.

- Compensation for private property owners
Response: Unfortunately, there are simply no dollars available, nor is there legislative authority or budget within USDA, the federal agency funding the EAB response in Michigan, to offer compensation to any landowner whether it be public or private.
- Be more aggressive in the eradication effort
Response: MDA and the EAB Task Force's response strategy recognizes the long term nature of the eradication effort, and continues to focus on development and implementation of new and more effective measures that will enhance the ability to detect, contain, and eradicate the beetle. Last, a restoration program that results in a healthy, diverse tree canopy will help prevent the devastating impacts being caused by EAB in this area.
- Allow voluntary pesticide treatment by property owners at sites identified for eradication
Response: Pesticide treatments are currently not an available option at sites scheduled for eradication actions (i.e. ash tree removals to control beetle populations where identified in isolated areas outside the generally infested area). Research has identified some pesticides that may keep a healthy tree from being killed by EAB; however, the available pesticide tools do not control all of the insects, which would allow for continued release of beetles to spread the infestation in spite of removal efforts surrounding any treated tree. Annual applications of pesticides would be required if used, compounding the cost. In addition, the pesticide research results thus far show that pesticide controls are not sufficiently consistent to assure the level of control necessary to meet eradication objectives for control of the beetle.
- Concerns about wide-area pesticide application
Response: Before a pesticide would be considered for wide-area use in an eradication strategy, it would have to be approved by an environmental assessment that weighs the risks and benefits of a proposed action. Pesticides and their use are regulated by both federal and state statutes to protect persons and the environment.
- Need more money for the eradication effort
Response: MDA and project partners recognize that the cost of the response to EAB will be great, will last for a period of years, and will require funding at high levels at least in the first years of the response. However, the benefit of investing in the response activities now to contain the beetle's spread will dramatically reduce the greater economic and environmental costs in Michigan and beyond, including the individual costs of maintenance, removal and disposal of dead and dying trees should the beetle continue to spread.

Opposed

One person indicated opposition to the eradication strategy feeling that it is logically flawed and designed to fail.

- Focus on the outliers with no action in the core will not stop the advance of EAB
Response: The above statement is incorrect. The EAB Eradication Strategy does focus on the eradication of the beetle in isolated locations outside the generally infested area. However, the overall eradication strategy consists of many additional integrated actions that support the overall effort to detect, contain, and eradicate the pest. Such actions include no-cost disposal to date of approximately 70,000 tons of dead and dying ash from within the core to contain beetle populations there. Quarantine enforcement and education and outreach activities are also underway in the continuing efforts to prevent artificial movement of the beetle while survey efforts are used to locate isolated populations of EAB outside the core. Continued research and the development of restoration options for tree canopy replacement are additional components that will provide additional tools to bring to bear on the beetle.
- Current count of outliers is underestimated due to time lag between time of infestation and display of symptoms
Response: With respect to natural spread, research thus far, supports the movement of EAB via natural spread to be in the area of ½ mile per year. This information can provide the area of impact of EAB from the display of symptoms. With respect to artificial spread, the EAB response strategy consists of a combination of strategies to isolate sites where the beetle may have been moved, in addition to the ongoing visual surveys. Inspection of high risk areas that may have received regulated articles has been implemented. Regulatory agencies are working with the nursery, logging, and firewood industries is continuing activities to identify locations where movement may have occurred prior to the identification of EAB and the quarantine. Because of this fact, it is expected that additional sites will be identified that will be subject to eradication efforts in the early years of the response. MDA is working in partnership with USDA and other cooperators to identify as quickly as possible all known sites where EAB may have been moved.
- Loss of valuable trees even though effective treatments are available
Response: The EAB response strategy continues to work with the research community to identify additional options for the eradication strategy. To date, the pesticide options currently available may meet the objective of saving an individual tree, but they do not meet the objective of saving an entire species. Eradication efforts in the isolated sites where ash are scheduled for removal will not be effective if trees are allowed to remain that can release adult beetles on that site. However, outside of these areas, MDA supports the voluntary use of effective control measures in the generally infested core area.

- Persons in the outlier areas are not given the opportunity to preserve plants in the landscape

Response: In addition to the response listed above, allowing potentially infested specimen trees to remain in site scheduled for eradication will certainly allow for continuation of the beetle population and continued spread of uninfested properties, thus negating the benefit and effectiveness of the eradication effort.

- Need to seek input from the green industry

Response: The EAB eradication strategy has been developed through input from a multitude of public and private sector experts. MDA and the EAB Task Force continue to meet with numerous elements of the green industry from growers to tree removal entities. MDA strongly supports continuation and expansion of the relationships with the green industry associations and entities as the strategies develop and as additional options become available to meet the objectives of the program.

Citizens providing testimony that does not indicate support or opposition to the eradication strategy. In many cases, only questions were posed.

Six persons provided statements of this type. For those persons who provided these statements at a hearing site, their questions were answered before they left the site.